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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,792	02/03/2004	Michihiro Miyake	Q79500	9238
23373	7590	05/04/2006	EXAMINER GREEN, BRIAN	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/769,792	Applicant(s) MIYAKE, MICHIIRO	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2-6,9-12,17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,8,13-16,19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species VIII (figures 9A and 9B) in the reply filed on Aug. 11, 2005 is acknowledged.

Claims 2-6,9-12,17, and 18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Aug. 11, 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al. (U.S. Patent No. 905,349).

Neal et al. shows in figures 1-3 a first indication member (element A and the upper portion of tag d attached thereto) which includes first information (the information on the upper portion of tag d) and which is attached to a position such that the connector (a,b,c) cannot be connected if the user does not remove the indicator. Neal et al. shows a second indication member (the lower portion of tag d) which does not impede connection of the connector. The first indication member (A) is structured so as to be attached to a position such that the connector cannot be connected if the user does not remove the indicator. Neal et al. does not disclose

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placing the same message on the indication member as defined by the applicant in claims 21 and 24. It is considered to have been an obvious matter of design choice to place any message on the indication member as desired. Printed matter that is not functionally related to the substrate does not distinguish the invention from the prior art. In regard to claims 22 and 25, the first and second indicator members are structurally integral and can be separated from the connector. In regard to claims 23 and 26, as broadly defined, the first and second indication members are considered to be in the "shape" of a bag and the element A includes an opening which receives the connector. In regard to claims 21 and 24, the examiner has taken the position that the applicant is not positively claiming the electrical connector, Neal shows in figures 1-3 that the second indication member is attached to the first indication member and the first indication member is attached to the electrical connector at the cable side, i.e. the electrical connector is a cable.

Claims 1,7,8,13-16, and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander (U.S. Patent No. 6,811,027) in view of Gendreau (U.S. Patent No. 5,090,559) or Kugler (U.S. Patent No. 3,281,056).

In all of the claims, the examiner has taken the position that the applicant is not positively claiming the electrical connector. Alexander shows in figure 4 a first indication member (the top sheet portion of the protector 15 which includes perforations 95 and 100) which is "attachable" to an electrical connector such that the electrical connector can not be connected if the user does not remove the indicator, i.e. an electrical connector placed with the protector can not be used unless the protector is opened and the connector removed from the protector. Alexander shows

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in figure 4 a slit (95,100 when the perforations are broken apart a slit is formed) which is offset from an edge of the indicator. Alexander does not disclose placing indicia on the indication member as defined by the applicant in claims 1,14,21, and 24. Gendreau shows in figure 2 the idea of placing indicia on a protector. Kugler shows in figure 1 the idea of placing instruction indicia onto a container. In view of the teachings of Gendreau or Kugler it would have been obvious to one in the art to place indicia on the first indication member since this would allow information with regard to the bag and/or contents of the bag to be conveyed to observers. It is considered to have been an obvious matter of design choice to place any message on the indication member as desired. Printed matter that is not functionally related to the substrate does not distinguish the invention from the prior art. In regard to claims 7,14,21, and 24, Alexander shows a second indication member (the bottom sheet portion of the protector 15) which does not impede connection of the connector when it is removed from the connector. The indicia from Gendreau or Kugler would be placed on both the first and second indication members and as discussed above it is considered within one skilled in the art to place any message on the indication members as desired. In regard to claims 8,16,22, and 25, the first and second indicator members can be separated from the connector. In regard to claims 13,23, and 26, the first and second indication members form a bag (15). In regard to claim 15, the first indication member is structured so as to be attached to a position such that the connector cannot be connected if the user does not remove the indicator. In regard to claims 21 and 24, the examiner has taken the position that the applicant is not positively claiming the electrical connector, the second indication member of Alexander would be attached to the cable side of the connector since the

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second indication member would be connected to the entire electrical connector including the cable side.

Response to Arguments

Applicant's arguments filed Feb. 14, 2006 have been fully considered but they are not persuasive.

The applicant argues that Alexander is directed to covering articles and the applicant's invention is directed to electronic connection devices. The applicant fails to positively claim the electrical connector in the claims. The claims are directed to a indication member/cover "for" an electrical connector. As broadly defined, the protector of Alexander is capable of performing the function of covering an electrical connector.

The applicant argues that Alexander does not show a slit as now defined in claims 1 and 14. The examiner disagrees since Alexander shows in figure 4 a slit (95,100 when the perforations are broken apart a slit is formed) which is offset from an edge of the indicator.

The applicant argues that Neal does not disclose a second indication member which is attached at a cable side of the electrical connector. The examiner disagrees since Neal shows in figures 1-3 that the second indication member is attached to the first indication member and the first indication member is attached to the electrical connector at the cable side, i.e. the electrical connector is a cable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
April 28, 2006


BRIAN K. GREEN
PRIMARY EXAMINER